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In the Supreme Court of the United States

OCTOBER TERM 1948

No. 655

UNITED STATES OF AMERICA, EX REL. ANNA DORFLER, GEORGE DORFLER, CHRISTIAN EHMANN, JOHANNES CARL FITTING, ADOLF GOELZER, OTTO GRIMM, HANS WERNER HAUSWALD, JOHANNES T. JUHL, PETER SCHAU, AND AGNES STEPHAN, PETITIONERS

v.

W. FRANK WATKINS, AS DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION OF THE UNITED STATES FOR THE DISTRICT OF NEW YORK, ETC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR THE RESPONDENT IN OPPOSITION

OPINIONS BELOW

The opinion of the District Court for the Southern District of New York (R. 20–22) is not reported. The opinion of the Court of Appeals for the Second Circuit (R. 27–29) is reported at 171 F. 2d 431.

JURISDICTION

The judgment of the Court of Appeals for the Second Circuit was entered on December 23, 1948 (R. 30). The petition for a writ of certiorari was filed on March 19, 1949. The jurisdiction of this Court is invoked under 28 U. S. C. 1254 (1).

QUESTIONS PRESENTED

1. Whether the Presidential Proclamations issued under the Alien Enemy Act authorize internment and removal of alien enemies under Section 21 of that Act.[1]

2. Whether the Alien Enemy Act is unconstitutional because it precludes judicial review of removal orders, issued by the Attorney General pursuant to the Act and Presidential Proclamation 2655, against petitioners, admitted alien enemies.[2]

3. Whether the power so to remove petitioners has lapsed because of the cessation of hostilities between the United States and Germany.

4. Whether the State Department's notification to various South American nations of the im-

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[1] For convenience, the sections of the Alien Enemy Act will be numbered throughout this brief as they are in Title 50 of the United States Code.

[2] For the purposes of this petition, no question is raised as to whether petitioners are alien enemies. Three petitioners, however, were at one time naturalized citizens of the United States whose certificates of naturalization were cancelled by judgments rendered on default. The opinion below saves to those petitioners any rights accruing to them under this Court's decision in *Klapprott* v. *United States*, 335 U. S. 601.

pending removal of approximately four hundred German alien enemies, including petitioners, who might be *persona non grata* to those nations, constitutes such an interference with petitioners' privilege of voluntary departure as to prevent the exercise of the power of compulsory removal.

STATUTE, PROCLAMATION, AND REGULATIONS INVOLVED

The provisions of the Alien Enemy Act of 1798, R. S. 4067–4070, as amended, 40 Stat. 531, 50 U. S. C. 21–24, are set out in Appendix A, *infra*, pp. 11–13. The text of Presidential Proclamations 2525 (6 Fed. Reg. 6321), 2526 (6 Fed. Reg. 6323), 2655 (10 Fed. Reg. 8947) and of the Attorney General's regulations issued pursuant to the latter Proclamation are set forth in Appendices B and C, respectively, *infra*, pp. 14–26.

STATEMENT

Petitioners are German alien enemies as to whom orders of removal have been issued by the Attorney General under Presidential Proclamation 2655, promulgated on July 14, 1945, pursuant to the Alien Enemy Act of 1798. The petition for a writ of habeas corpus (R. 3–14) which instituted this proceeding was filed in the District Court for the Southern District of New York on September 20, 1948, and a writ of habeas corpus was issued the same day (R. 2). Petitioners alleged that

their threatened removal and repatriation was unlawful and without authority in that Presidential Proclamation 2655 provides for removal of alien enemies only under Sections 23 and 24 of the Alien Enemy Act, after judicial hearings (R. 7). Petitioners also alleged that their right to depart voluntarily from the United States has been interfered with, and challenged the power of the Attorney General to remove them until the cessation of such interference (R. 6). The return to the writ, filed on October 19, 1948, in behalf of respondent, District Director of the Immigration and Naturalization Service for the District of New York, showed that each petitioner was granted a parole of thirty days to arrange for voluntary departure from the United States, but that each neglected to effectuate such departure and has continued in such neglect and refusal voluntarily to depart (R. 15–18). Respondent admitted, however, that, pursuant to Resolution VII of the Inter-American Conference on the Problems of War and Peace adopted at Mexico City on March 8, 1945,[3] the State Department of the United States, prior to the service of the removal orders, informed various South American nations of the impending removal of approximately four hundred German alien enemies, including petitioners, and requested the govern-

[3] See Department of State Publication 2497, Conference Series 85, pp. 71–72.

ments of those nations not to issue visas to those aliens.

No hearing was held before the District Court at the suggestion of counsel, since there were no disputed questions of fact (R. 21). By opinion dated October 18, 1948, the district judge dismissed the writ as unfounded (R. 20–22). Upon appeal, the court below affirmed the dismissal (R. 27–30).

ARGUMENT

Petitioners present four contentions: (1) The Presidential Proclamations under which the Attorney General purported to act in ordering the removal of petitioners as alien enemies pursuant to 50 U. S. C. 21 (*infra*, pp. 11–12) do not in fact authorize internment or removal under 50 U. S. C. 21; (2) due process of law requires hearings of a judicial nature, which were not had; (3) the Alien Enemy Act and the Proclamations thereunder should not be enforced after the termination of hostilities; (4) an alien enemy must be given a reasonable time to depart voluntarily without Government interference through communications to foreign nations that he is deemed a dangerous alien enemy. Points (2) and (3) of petitioners' contentions have already been squarely decided adversely to them by this Court in *Ludecke* v. *Watkins*, 335 U. S. 160. We submit that petitioners' remaining objections are plainly without merit and do not warrant further review.

1. That the Presidential Proclamations in question are sufficient to authorize internment or removal under Section 21 of the Alien Enemy Act is certainly implicit in the decision of this Court in *Ludecke* v. *Watkins, supra,*[4] sustaining the validity of removal orders made by the Attorney General.[5] Obviously, the constitutional question of whether judicial review of the removal orders was required would never have been reached unless this Court had first concluded that such orders were issued pursuant to valid authority delegated by the Presidential Proclamations. But if the question be examined *de novo,* the contention of petitioners that Proclamation 2655 (*infra,* pp. 21–23), under which the Attorney General has purported to act, authorizes restraint and removal only in the manner prescribed by Sections 23 and 24 of the Alien Enemy Act (*infra,* pp. 12–13) is, we believe, baseless and frivolous. The argument

[4] See also cases there cited, 335 U. S. at 165, note 8.

[5] Petitioners suggest that this question was not raised or considered in the *Ludecke* case and point to note 4 of the opinion of the Court which states that "No question has been raised as to the validity of these administrative actions [internment] taken pursuant to Presidential Proclamation 2526, dated December 7, 1941, 6 Fed. Reg. 6323, issued under the authority of the Alien Enemy Act." As we read the opinion, it would appear that the Court was merely noting that the question of the constitutionality of such procedure during actual hostilities was not in issue. In so noting, we think it significant that the Court recognized that the administrative actions were taken "pursuant" to Presidential Proclamation 2526.

is that Proclamation 2655 authorized only the removal of aliens who have been legally interned pursuant to Proclamation 2526 (*infra*, pp. 19–21);[6] and that the latter provides only that "alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States *in the manner prescribed by Sections 23 and 24 of title 50* of the United States Code, and as prescribed in the regulations duly promulgated by the President." [Italics supplied by petitioners, Pet. p. 11.] Petitioners thus deliberately ignore the concluding phrase, "and as prescribed in the regulations duly promulgated by the President." These words unquestionably, on their face, as the court below held, "invoke the power of executive removal without resort to sections 23 and 24" (R. 28). Any other construction is plainly precluded by the Proclamation itself (2526) which, after the foregoing language, goes on to incorporate and make applicable to German aliens the regulations contained in Proclamation 2525 (*infra*,

[6] Proclamation 2655 provides in part that "All alien enemies now or hereafter interned within the continental limits of the United States pursuant to the aforesaid proclamations of the President of the United States who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of government thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as he may prescribe."

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pp. 14–17), relative to Japanese aliens.[7] Section 7 of those regulations expressly provides that "alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General * * * are subject to summary apprehension." The language quoted from Proclamation 2526, upon which petitioners rely, is merely a repetition of identical language in the prior proclamation (2525). It is an amazing theory indeed that the President intended to subject Japanese aliens to summary procedure but to permit German aliens to remain at large until after full judicial hearings. We submit that petitioners were lawfully interned and hence were subject to removal under Proclamation 2655.[8]

2. Pursuant to regulations of the Attorney General (10 Fed. Reg. 12189) (*infra*, pp. 24–26), prescribed under Presidential Proclamation 2655, each petitioner was released on parole for thirty days for the purpose of attending to his, or her, personal affairs and arranging for voluntary departure. None of the petitioners did effect a voluntary departure and each has continued in such neglect and refusal to leave the United States

[7] Under the caption "Regulations," Proclamation 2526 provides that "The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation."

[8] Cf. *United States ex rel. Ackermann* v. *O'Rourke*, 164 F. 2d 95 (C. A. 5), certiorari denied, 334 U. S. 858.

voluntarily (R. 15–18). However, because the State Department of the United States, in accordance with Resolution VII of the Inter-American Conference on the Problems of War and Peace adopted at Mexico City on March 8, 1945, has informed various South American nations of the impending removal of approximately four hundred German alien enemies, including petitioners, and requested the governments of those nations not to issue visas to these aliens, petitioners claim that their right of voluntary departure has, as a matter of law, been so interfered with that compulsory removal is precluded until the interference is ended. We see no merit in the contention.

The court below, which was fully aware that an alien must be afforded the statutory privilege of voluntary departure (*United States ex rel. Von Heymann* v. *Watkins,* 159 F. 2d 650 (C. A. 2)), rightly recognized that (R. 29) "The privilege of voluntary departure does not imply that the alien must be able to go to the country of his choice. So long as there is any foreign country to which he could have gone, his failure to go there is a 'neglect' or 'refusal' to depart voluntarily. Hence a communication by the State Department to a foreign country, which that country may or may not heed,[9] cannot be regarded as an unlawful re-

[9] Respondent's return to the writ of habeas corpus sets forth an instance wherein the Brazilian Government issued a visa to an alien enemy, notwithstanding the communication referred to above (R. 19).

straint on the alien's voluntary departure. The relators have had ample time to arrange to leave the United States and have made no showing that it was impossible for them to do so." Certainly, it would be an extremely short-sighted policy that enabled alien enemies "deemed dangerous to the public peace or safety of the United States" to gain admission to neighboring nations whose governments were unaware that such persons might disturb or threaten the individual or collective security and welfare of the American Republics. Common sense dictates that effective measures be taken to prevent subversive elements from regaining any vantage point within the Western Hemisphere. We submit that the privilege of voluntary departure afforded alien enemies by the Alien Enemy Act cannot be so construed as to make removal a meaningless step.

CONCLUSION

The judgment of the court below is correct and there is no conflict of decisions. The petition for a writ of certiorari should, therefore, be denied.

Respectfully submitted.

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MAY 1949.

APPENDIX A

The Alien Enemy Act of 1798, R. S. 4067–4070, as amended, 50 U. S. C. 21–24, provides:[1]

§ 21. Restraint, regulation, and removal. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found

[1] The section numbers used are those which appear in Title 50 of the United States Code.

necessary in the premises and for the public safety. (R. S. § 4067; Apr. 16, 1918, ch. 55, 40 Stat. 531.)

§ 22. Time allowed to settle affairs and depart.

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native, citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality (R. S. § 4068).

§ 23. Jurisdiction of United States courts and judges.

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appear-

ing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed (R. S. § 4069).

§ 24. Duties of marshals.

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be (R. S. § 4070).

APPENDIX B

Proclamation 2525, issued by President Roosevelt on December 7, 1941, provides in part (6 Fed. Reg. 6321):

A PROCLAMATION

Whereas it is provided by Section 21 of Title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

and

Whereas by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:

Now, therefore, I, Franklin D. Roosevelt, as President of the United States, and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of the Empire of Japan being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the

regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter contained regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter set forth and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the

United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

And, pursuant to the authority vested in me, I hereby declare and establish the following regulations which I find necessary in the premises and for the public safety:

* * * * *

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War, as the case may be, are subject to summary apprehension. * * *

* * * * *

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 7th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

By the President:

[SEAL] FRANKLIN D ROOSEVELT

CORDELL HULL,
Secretary of State.

Proclamation 2526 issued by President Roosevelt on December 8, 1941, provides (6 Fed. Reg. 6323):

A PROCLAMATION

Whereas it is provided by section 21 of title 50 of the United States Code as follows:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

And whereas by sections 22, 23 and 24 of title 50 of the United States Code further provision is made relative to alien enemies:

Now, therefore, I, Franklin D. Roosevelt, as President of the United States and as Commander in Chief of the Army and

Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Germany.

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Germany being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code, and as

prescribed in the regulations duly promulgated by the President.

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

Proclamation 2655, issued by President Truman on July 14, 1945, provides (10 Fed. Reg. 8947):

A PROCLAMATION

Whereas section 4067 of the Revised Statutes of the United States (50 U. S. C. 21) provides:

"Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all

natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;"

Whereas sections 4068, 4069, and 4070 of the Revised Statutes of the United States (50 U. S. C. 22, 23, 24) make further provision relative to alien enemies;

Whereas the Congress by joint resolutions approved by the President on December 8 and 11, 1941, and June 5, 1942, declared the existence of a state of war between the United States and the Governments of Japan, Germany, Italy, Bulgaria, Hungary, and Rumania;

Whereas by Proclamation No. 2525 of December 7, 1941, Proclamations Nos. 2526 and 2527 of December 8, 1941, Proclamation No. 2533 of December 29, 1941, Proclamation No. 2537 of January 14, 1942, and Proclamation No. 2563 of July 17, 1942, the President prescribed and proclaimed certain regulations governing the conduct of alien enemies; and

Whereas I find it necessary in the interest of national defense and public safety to prescribe regulations additional and supplemental to such regulations:

Now, therefore, I, Harry S. Truman, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the Revised Statutes of the United States, do hereby prescribe and proclaim the following regulations, additional and supplemental to those prescribed by the aforesaid proclamations:

All alien enemies now or hereafter interned within the continental limits of the United States pursuant to the aforesaid proclamations of the President of the United States who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of government thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as he may prescribe.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 14th day of July in the year of our Lord nineteen hundred and forty-five and of the Independence of the United States of America the one hundred and seventieth.

By the President:

[SEAL] HARRY S. TRUMAN.

JAMES F. BYRNES,
Secretary of State.

APPENDIX C

Regulations of the Attorney General (10 Fed. Reg. 12189) pursuant to Presidential Proclamation 2655:

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

Part 30—Travel and Other Conduct of Aliens of Enemy Nationalities

REMOVAL OF ALIEN ENEMIES FROM THE U. S.

Sec.

30.71 Removal from the United States of alien enemies.
30.72 Order of the Attorney General.
30.73 Service of removal order on alien enemy.
30.74 Thirty-day period for voluntary departure.
30.75 Involuntary removal from the United States.

Authority: §§ 30.71 to 30.75, inclusive, issued under R. S. 4067; 50 U. S. C. 21.

§ 30.71 *Removal from the United States of alien enemies.*—The Proclamation of the President of the United States, No. 2655 (10 F. R. 8947), dated July 14, 1945, provides in part:

"All alien enemies * * * interned within * * * the United States * * * who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of govern-

ment thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Attorney General may prescribe."

§ 30.72 *Order of the Attorney General.*—When a determination has been made by the Attorney General that an interned alien enemy is deemed to be dangerous to the public peace and safety of the United States because he has adhered to an enemy government or to the principles of government thereof, an order will be signed by the Attorney General directing that the said alien enemy depart from the United States within thirty (30) days after notification of the order and that, if he fails or neglects so to depart, the Commissioner of Immigration and Naturalization is to provide for the alien enemy's removal to the territory of the country of which he is a native, citizen, denizen or subject.

§ 30.73. *Service of removal order on alien enemy.*—A copy of the Attorney General's order of removal will be delivered to the alien enemy at the place where he is interned.

§ 30.74. *Thirty-day period for voluntary departure.*—An alien enemy who is the subject of a removal order shall have thirty (30) days after receiving notification of the removal order to depart from the United States. Unless the public safety otherwise requires, the Commissioner of Immigration and Naturalization is authorized to release such alien enemy from internment under appropriate parole safeguards in order that the alien enemy may settle his personal and business affairs, provide for the recovery, disposal, and re-

moval of his goods and effects, and make arrangements to depart from the United States.

§ 30.75 *Involuntary removal from the United States.*—In the event that an alien enemy, who is the subject of a removal order, fails or neglects to depart from the United States within the above-mentioned thirty-day period, the Commissioner of Immigration and Naturalization will take the alien enemy into custody and will provide for his removal to the territory of the country of which he is a native, citizen, denizen or subject, as soon as transportation is available.

Approved: September 26, 1945.

TOM C. CLARK, *Attorney General.*

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